UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LETISHA ARCHER,

Plaintiff,

-against-

RR DONNELLEY FINANCIAL, INC.,
KEVIN TAYLOR, *Individually*,
ARLENE DAVIS, *Individually*, and
ROSEANN FERRICK, *Individually*,

Defendants.

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Case No.

COMPLAINT

PLAINTIFF DEMANDS A TRIAL BY JURY

Plaintiff, LETISHA ARCHER, by her attorneys, PHILLIPS & ASSOCIATES, Attorneys at Law, PLLC, hereby brings this action against the Defendants, upon information and belief, as follows:

NATURE OF THE CASE

1. Plaintiff complains pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166 ("Title VII") and the New York City Human Rights Law, New York City Administrative Code § 8-502(a), *et. seq.* ("NYCHRL"), and seeks damages to redress the injuries she has suffered as a result of being **Discriminated against and Harassed** solely due to her **Gender**, as well as **Retaliated against** for complaining about gender-based discrimination.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is proper under 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. §§ 1331 and 1343.

3. The Court has supplemental jurisdiction over the claims of Plaintiff brought under state law pursuant to 28 U.S.C. §1367.

4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b), as the Southern District of New York is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

PROCEDURAL PREREQUISITES

5. Plaintiff filed charges of discrimination upon which this Complaint is based with the Equal Employment Opportunities Commission ("EEOC").

6. Plaintiff received a Notice of Right to Sue from the EEOC, dated February 14, 2017, with respect to the herein charges of discrimination. A copy of the Notice is annexed hereto.

7. This Action is being commenced within ninety (90) days of receipt of said Right to Sue.

PARTIES

8. That at all times relevant hereto, Plaintiff LETISHA ARCHER ("ARCHER") is a resident of the State of New York and the County of New York.

9. That at all times relevant hereto, Defendant RR DONNELLEY FINANCIAL, INC. ("RR DONNELLEY") is a foreign business corporation, duly existing pursuant to, and by virtue of, the laws of the State of New York, with its principal place of business located at 35 West Wacker Drive, Chicago, Illinois 60601.

10. That at all times relevant hereto, Defendant RR DONNELLEY has maintained an office located at 140 East 45th Street, New York, New York 10017 ("New York location").

11. That at all times relevant hereto, Plaintiff ARCHER has been an employee of Defendant RR DONNELLEY and has worked at the New York location.

12. That at all times relevant hereto, upon information and belief, Defendant KEVIN TAYLOR ("TAYLOR") was an employee of Defendant RR DONNELLEY, holding the position of "Hospitality Manager."

13. That at all times relevant hereto, Defendant TAYLOR was Plaintiff ARCHER's supervisor and had supervisory authority over Plaintiff ARCHER.

14. That at all times relevant hereto, upon information and belief, Defendant ARLENE DAVIS ("DAVIS") was an employee of Defendant RR DONNELLEY, holding the position of "Human Resources Generalist."

15. That at all times relevant hereto, Defendant DAVIS was Plaintiff ARCHER's supervisor and had supervisory authority over Plaintiff ARCHER.

16. That at all times relevant hereto, upon information and belief, Defendant ROSEANN FERRICK ("FERRICK") was an employee of Defendant RR DONNELLEY, holding the position of "Human Resources Manager."

17. That at all times relevant hereto, Defendant FERRICK was Plaintiff ARCHER's supervisor and had supervisory authority over Plaintiff ARCHER.

18. That at all times relevant hereto, Defendant RR DONNELLEY, Defendant TAYLOR, Defendant DAVIS, and Defendant FERRICK are collectively referred to herein as "Defendants."

MATERIAL FACTS

19. On or about March 23, 2015, Plaintiff ARCHER began working for Defendants as a "Client Services Hospitality Associate," earning approximately $43,000 a year.

20. As a "Client Services Hospitality Associate," Plaintiff ARCHER is responsible for preparing and setting up food in the conference room for conferences and meetings taking

place at the office.

21. Throughout her tenure with Defendants, Plaintiff ARCHER has been an exemplary employee and always receives compliments for her work performance.

22. However, beginning soon after she started, **Defendants have consistently and continuously subjected Plaintiff ARCHER to harassment and discrimination solely due to Plaintiff ARCHER's gender (female)**, creating an extremely hostile and intimidating work environment.

23. As if this wasn't bad enough, Defendants have also **retaliated against Plaintiff ARCHER** solely for complaining about the unlawful gender-based harassment.

24. By way of example, on or about May 29, 2015, after Plaintiff ARCHER returned to Defendants' New York location after working for two (2) weeks at another location, her coworker named Brian said to her, "What are you doing back? I thought we got rid of the women on the morning shift." As Plaintiff ARCHER was walking away, another coworker named Luis said to Brian, "Awe. Why is she back? I thought we got rid of her. What is she doing here?" While Plaintiff ARCHER was extremely uncomfortable and offended by this inappropriate and misogynistic comment, she was hoping that it was simply a one-time occurrence. Unfortunately, she was very wrong.

25. On or about June 15, 2015, Brian told Plaintiff ARCHER that "[Defendant TAYLOR] won't let another woman go to the U.S. Open because when he brought Bridget [another employee], she was offered a better position by someone at the event. [Defendant TAYLOR] did not think that she was worthy of the offer and doesn't want that to happen again." Plaintiff ARCHER was extremely offended and disgusted by this obviously discriminatory comment.

26. On or about June 18, 2015, while Plaintiff ARCHER was sitting in the conference room #21, Luis and Brian entered the room and stated, "Yuck! It smells like a woman in here. You smell!" Plaintiff ARCHER was utterly stunned by the unrelenting gender-based discrimination allowed in the workplace.

27. On or about June 23, 2015, Brian turned to Plaintiff ARCHER and said, "Luis says that you smell bad," to which Luis responded, "No, you're the one that says she smells bad. Women are so gross."

28. On or about July 7, 2015, as Plaintiff ARCHER was preparing a salmon platter, Brian stated, "gross, it smells like V jay" before bursting into laughter. Plaintiff ARCHER was absolutely humiliated that Brian would say such offensive and discriminatory things to her in the workplace, especially because Plaintiff ARCHER had done nothing to deserve such horrific treatment.

29. On or about July 8, 2015, another coworker named Fabian followed Plaintiff ARCHER into the bathroom, turned off the lights, and grabbed her waistline from behind. When Plaintiff ARCHER screamed, "Turn on the lights! Let me out," Fabian responded, "give me something first." Plaintiff ARCHER was shocked and frightened by the sudden escalation in harassment.

30. On or about July 20, 2015, Brian told Plaintiff ARCHER, "Karen is crazy. She's gotta be menopausal. You know how you women are when you start cramping. I just smile and nod until she shuts up or she will talk you to death." While Brian again thought this was humorous, Plaintiff ARCHER was utterly disgusted.

31. On or about July 27, 2015, as Plaintiff ARCHER was preparing snack baskets, Brian suddenly slipped a tampon into her pocket and Fabian put one in the basket she was

preparing before saying, "Why don't you take some feminine napkins home to plug your lady leak." Even though Plaintiff ARCHER told them that this was offensive, Brian and Fabian simply laughed and pretended to insert the tampons into their genital areas.

32. On or about August 5, 2015, while Plaintiff ARCHER was preparing a lobster roll platter, Brian stated, "it smells like a woman in here. It's Letisha. She's the only woman here." Moments later, Luis told Plaintiff ARCHER, "Brian said that you smell like a woman. You smell like lobster rolls."

33. On or about September 11, 2015, Luis showed Plaintiff ARCHER a picture of a man doing his makeup and said, "Makeup is not just for women. Girls are mad now that men have nicer bodies," at which point Brian entered the kitchen and said, "women are gonna burn in hell" before bursting into laughter.

34. Then, on or about November 24, 2015, after sewage backed up into the kitchen causing a horrible odor, Brian yelled so that everyone could hear, "It's Letisha. The smell is her." While Plaintiff ARCHER always wanted to complain to Defendants about the blatant and overt gender-based discrimination, she was terrified of subsequent retaliation. However, the harassment became so unrelenting that Plaintiff ARCHER felt she had no choice but to complain to Human Resources.

35. As such, the next day, on or about November 25, 2015, Plaintiff ARCHER sent an email to Defendant DAVIS and Defendant FERRICK in which she complained about the gender based discrimination to which she was being subjected on a daily basis. More specifically, Plaintiff ARCHER stated, "Brian and [Luis] make negative comments regularly about women, suggesting that women are disgusting. ... Each time we place seafood orders for clients both Brian and [Luis] make jokes such as 'yuck, what is that

smell. It must me [Plaintiff ARCHER] because she is the only woman here and women smell like fish' as they giggle. Yesterday has proven that I will be the targeted of this verbal abuse at any and every opportunity, as there was no seafood order but I was still subjected to this harassment. The sewage pipes were backed up in the kitchen and giving off a bad odor for several weeks. Rafael came to fix the problem and when Rafael arrived, Brian proceeded to tell Rafael that the smell was coming from me—once again referencing my gender. … As previously stated this has been an ongoing issue for months, it is extremely difficult for me to function in this hostile environment. … I have considered speaking with my direct manager, [Defendant TAYLOR], about the issue but I don't feel comfortable, as [Defendant TAYLOR] has shown obvious displays of favoritism for my male coworkers and I don't feel that he would acknowledge my complaints." Although Plaintiff ARCHER was hoping that the despicable discriminatory comments would finally stop, she was very wrong.

36. On or about November 27, 2015, Plaintiff ARCHER met with Defendant DAVIS during which she further explained all the gender-based discrimination and harassment to which she had been continuously subjected. In response, Defendant DAVIS told Plaintiff ARCHER to speak to Brian and Luis herself because "you have to learn how to stand up for yourself." As a result, Defendants not only allowed Plaintiff ARCHER's coworkers to continue with their discriminatory actions and comments, but Defendants also permitted her coworkers to start to mock and harass her solely in retaliation for complaining.

37. For example, on or about December 2, 2015, while Plaintiff ARCHER was working alongside another coworker named Paul Lemma, Fabian came over and said to Paul

Lemma, "I'm going to report you to HR," to which Paul responded, "No I'm going to report you to HR." The two went back and forth with this taunting conversation for a brief time and then said "who reports 'that' to HR" while snickering to one another. Plaintiff ARCHER was frightened and shocked to hear this, and began to realize that Defendants had no intention of ending this incessant and unlawful harassment and discrimination, which only continued.

38. Shortly after this, referring to the San Bernardino shooters, Brian stated, "Aww that sucks, I was hoping the killer was white." When Plaintiff ARCHER asked why, Brian replied, "so people here know what can happen to them at any moment." It was clear to Plaintiff ARCHER that her coworkers were now not only retaliating against her for her complaint of gender discrimination, but were also apparently trying to intimidate her. While Plaintiff ARCHER was hoping that at least the gender based harassment would end, she was horribly mistaken.

39. On or about December 4, 2015, while Plaintiff ARCHER was sitting in the conference room, Fabian entered the room snickering and said, "Hey, I'm gonna play a prank on [Defendant TAYLOR]. You know the lox upstairs? Can I rub it on your vagina? [Defendant TAYLOR] will never notice the difference."

40. Shortly after, Brian entered the conference room and said, "You cannot sit in the conference room anymore. [Defendant TAYLOR] told me to tell you." This was clearly in retaliation for her complaint of discrimination, as Defendants had always before permitted Plaintiff ARCHER to sit in the conference room when she wasn't working in the kitchen.

41. Also on or about December 4, 2015, Brian then told Plaintiff ARCHER, "You know you

really should ask [Defendant TAYLOR] for some time off for treatment for your genital warts and herpes."

42. Unfortunately, not only did Brian and Fabian continue to harass Plaintiff ARCHER due to her gender, but Defendant TAYLOR also began retaliating against her for complaining of discrimination. By way of example, in or about November 2015, when Plaintiff ARCHER requested three (3) days off (December 28 to December 30) to attend a family gathering, Defendant TAYLOR denied her request without even providing a reason.

43. On or about December 21, 2015, although Plaintiff ARCHER submitted another request for two (2) days off (January 2 and 5), Defendant TAYLOR again denied her request without reason.

44. On or about January 13, 2016, Plaintiff ARCHER completed the self-assessment portion of her annual performance evaluation and gave herself an honest positive review.

45. On or about January 22, 2016, Defendant TAYLOR called Plaintiff ARCHER into a meeting and demanded that she make changes to her performance evaluation because he couldn't approve Plaintiff ARCHER's ratings or comments. Feeling extremely pressured, Plaintiff ARCHER reluctantly made the changes he required.

46. Then, beginning on or about January 30, 2016, Defendants suddenly stopped offering Plaintiff ARCHER the desirable assignments such as beer tasting and wine tasting events, clearly in retaliation for her complaints of discrimination.

47. As a result, on or about March 23, 2016, Plaintiff ARCHER called Defendants' Ethics Hotline and complained that not only were her coworkers still subjecting her a gender-based discriminatory hostile work environment, but that her supervisor, Defendant TAYLOR, was also retaliating against her for her original complaint of discrimination.

48. On or about March 25, 2016, Plaintiff ARCHER personally met with Defendant FERRICK during which Plaintiff ARCHER again complained of all the discrimination and retaliation. Shockingly, in response, Defendant FERRICK told Plaintiff ARCHER, "I do not think they are doing that to you." Not surprisingly, Defendants again took no action in response to this complaint, allowing Defendants to continue their gender-based discriminatory harassment and retaliation.

49. For example, on or about April 4, 2016, Paul Lemma threw a York Peppermint Patty at Plaintiff ARCHER's back as he passed her in the office.

50. On or about April 12, 2016, referring to a former employee named Judy, Fabian told Plaintiff ARCHER, "Judy had mental issues just like you and Karen. Judy always threatened to sue the company because of [Defendant TAYLOR] but look who is fired now. You really need to get a man soon or else you will end up just like Judy and Karen. Women, anytime things go wrong there is always a woman behind it."

51. Next, on or about April 21, 2016, as they were passing one another, Fabian said to Plaintiff ARCHER, "stink fishy bitch."

52. On or about April 22, 2016, Plaintiff ARCHER sent an email to Defendant FERRICK in which she stated, "after speaking with you the situation becomes worse extremely hazardous and unbearable and for safety concerns, I will continue to address my complaints to a third party."

53. On or about May 20, 2016, upon Plaintiff ARCHER's arrival, Defendant TAYLOR immediately instructed her to log into her email account at which point Defendant TAYLOR proceeded to delete an email that he claimed was accidently sent to her. However, while Defendant TAYLOR later sent out another email requesting that

everyone delete the former one, Plaintiff ARCHER was the only employee whose email was personally deleted by Defendant TAYLOR.

54. Moments later, Fabian whispered "snitch bitch" as Plaintiff ARCHER walked past his desk.

55. Later that same day, also on or about May 20, 2016, Plaintiff ARCHER overheard Brian ask Karen, "Did you read the email about [Plaintiff ARCHER] and the lawsuit?" It was at this point that Plaintiff ARCHER realized that the email that Defendant TAYLOR deleted earlier in the day was clearly related to Plaintiff ARCHER's claims of discrimination and retaliation.

56. As such, on or about May 20, 2016, Plaintiff ARCHER immediately complained to Defendant FERRICK about this retaliatory email and Fabian's retaliatory statement. In response, Defendant FERRICK asked Plaintiff ARCHER to put it into writing and send it to her.

57. On or about May 25, 2016, Defendants informed Plaintiff ARCHER that her allegations of gender discrimination and retaliation have been unsubstantiated. More specifically, Defendant FERRICK informed Plaintiff ARCHER that "after speaking with the accused, I found nothing. The accused have no recollection of any of the events you complained about. No one could recall any of the comments that were made against you." As a result, Defendant TAYLOR and Plaintiff ARCHER's coworkers were permitted to continue their unlawful actions.

58. For example, also on or about May 25, 2016, Defendant TAYLOR wrote Plaintiff ARCHER up for excessive tardiness. Knowing that she had not been late for many months, Plaintiff ARCHER immediately asked to see the sign-in sheet. Quite shockingly,

upon reviewing the sign-in sheet, Plaintiff ARCHER noticed that her arrival times had been changed without her knowledge to make it appear that she was late on days that she was not.

59. As such, Plaintiff ARCHER immediately complained to Defendant FERRICK that Defendant TAYLOR had changed her sign-in sheet and then frivolously wrote her up for being late, all in retaliation for her complaints of discrimination and retaliation. Shockingly, Defendant FERRICK's only response was, "You work for the nicest boss in the company. You are a conspiracy theorist." Plaintiff ARCHER did not even know how to respond and simply walked away.

60. Furthermore, on or about May 30, 2016, as Defendant FERRICK requested, Plaintiff ARCHER sent Defendant FERRICK an email in which she memorialized her May 20, 2016 complaint of retaliation.

61. On or about May 31, 2016, Defendant FERRICK responded and stated, "I am writing to confirm that I have received this email and I have spoken to the employees you have named in this email on the items would be of concern to [Defendant RR DONNELLEY]. As I have stated earlier, I am unable to find any occurrences where these exact instances have occurred or anything remotely resembling them. We have covered this topic several times, unfortunately you do not believe the results I have communicated to you."

62. Plaintiff ARCHER is so embarrassed and feels so belittled by the constant discriminatory and retaliatory behavior directed towards her, especially because she has done nothing to deserve it other than being a woman.

63. This pattern of gender-based harassment, discrimination, and retaliation is ongoing and continuous.

64. Defendant RR DONNELLEY has knowledge of and/or acquiesces in the discrimination, harassment, and retaliation by Plaintiff ARCHER's coworkers, as Plaintiff ARCHER has complained to Defendants on numerous occasions and Defendants have done nothing to stop the harassment.

65. Defendants have treated Plaintiff ARCHER differently (discriminated against her) solely due to her gender (female).

66. But for the fact that Plaintiff ARCHER is female, Defendants would not be harassing her.

67. In fact, it has become clear to Plaintiff ARCHER that Defendants have no intention of ever putting an end the hostile work environment to which Plaintiff ARCHER is subjected.

68. Plaintiff ARCHER has been humiliated by the actions of Defendants.

69. Plaintiff ARCHER has begun to suffer from severe anxiety and depression as a result of Defendants' discriminatory and retaliatory work environment.

70. Plaintiff ARCHER feels that any ordinary person in her shoes would feel compelled to resign from her employment.

71. Plaintiff ARCHER has been unlawfully discriminated against, retaliated against, humiliated, degraded and belittled, and as a result, suffers loss of rights, emotional distress, loss of income, and earnings.

72. Plaintiff ARCHER's performance has been, upon information and belief, above average during the course of her employment with Defendants.

73. The above are just some of the acts of harassment, discrimination, and retaliation that Plaintiff ARCHER has experienced on a regular and continual basis during her tenure with Defendants.

74. Plaintiff ARCHER has been regularly exposed to a hostile work environment by Defendants.

75. Defendants' hostile actions have created an unlawfully hostile working environment that no reasonable person would tolerate.

76. Defendants' actions and conduct were and are intentional and intended to harm Plaintiff ARCHER.

77. As a result of Defendants' actions, Plaintiff ARCHER feels extremely humiliated, degraded, victimized, embarrassed, and emotionally distressed.

78. As a result of the acts and conduct complained of herein, Plaintiff ARCHER has suffered emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

79. Defendants' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law. As such, Plaintiff ARCHER demands Punitive Damages as against all Defendants, jointly and severally.

AS A FIRST CAUSE OF ACTION
FOR DISCRIMINATION UNDER TITLE VII
(Not Against Individual Defendants)

80. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

81. This claim is authorized and instituted pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section(s) 2000e *et seq.*, for relief based upon the unlawful employment practices of the above-named Defendants.

82. Plaintiff complains of Defendants' violation of Title VII's prohibition against discrimination in employment based, in whole or in part, upon an employee's gender.

83. Defendants engaged in unlawful employment practices prohibited by 42 U.S.C. §2000e *et seq.*, by discriminating against Plaintiff because of her gender.

AS A SECOND CAUSE OF ACTION
FOR RETALIATION UNDER TITLE VII
(Not Against Individual Defendants)

84. Plaintiff repeats and realleges each and every allegation made in the above paragraphs of this complaint.

85. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3(a) provides that it shall be unlawful employment practice for an employer:

> "(1) to . . . discriminate against any of his employees . . . because [s]he has opposed any practice made an unlawful employment practice by this subchapter, or because [s]he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter."

86. Defendants engaged in unlawful employment practice prohibited by 42 U.S.C. §2000e *et seq.* by discriminating against Plaintiff with respect to the terms, conditions or privileges of employment because of her opposition to the unlawful employment practices of Defendants.

AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

87. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

88. The New York City Administrative Code §8-107(1) provides that "It shall be an unlawful discriminatory practice: (a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, sexual orientation or alienage or citizenship status of any person, to refuse to hire

or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment."

89. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(1)(a) by discriminating against Plaintiff because of her gender.

AS A FOURTH CAUSE OF ACTION FOR RETALIATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

90. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

91. The New York City Administrative Code §8-107(7) provides that it shall be unlawful discriminatory practice: "For an employer . . . to discriminate against any person because such person has opposed any practices forbidden under this chapter. . ."

92. Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(7) by discriminating against Plaintiff because of Plaintiff's opposition to the unlawful employment practices of Plaintiff's employer.

AS A FIFTH CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

93. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

94. The New York City Administrative Code §8-107(6) provides that it shall be unlawful discriminatory practice: "For any person to aid, abet, incite, compel; or coerce the doing of any of the acts forbidden under this chapter, or attempt to do so."

95. Individual Defendants engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(6) by aiding, abetting, inciting, compelling and coercing the above discriminatory and retaliatory conduct.

AS A SIXTH CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE

96. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.

97. The New York City Administrative Code §8-107(13) Employer liability for discriminatory conduct by employee, agent or independent contractor.

a. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of any provision of this section other than subdivisions one and two of this section.

b. An employer shall be liable for an unlawful discriminatory practice based upon the conduct of an employee or agent which is in violation of subdivision one or two of this section only where:

1. the employee or agent exercised managerial or supervisory responsibility; or

2. the employer knew of the employee's or agent's discriminatory conduct, and acquiesced in such conduct or failed to take immediate and appropriate corrective action; an employer shall be deemed to have knowledge of an employee's or agent's discriminatory conduct where that conduct was known by another employee or agent who exercised managerial or supervisory responsibility; or

3. the employer should have known of the employee's or agent's discriminatory conduct and failed to exercise reasonable diligence to prevent such discriminatory conduct.

c. An employer shall be liable for an unlawful discriminatory practice committed by a person employed as an independent contractor, other than an agent of such employer, to carry out work in furtherance of the employer's business enterprise only where such discriminatory conduct was committed in the course of such employment and the employer had actual knowledge of and acquiesced in such conduct.

98. Defendants violated the section cited herein as set forth.

JURY DEMAND

99. Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against Defendants:

A. Declaring that Defendants engaged in unlawful employment practices prohibited by Title VII and the NYCHRL by harassing and discriminating against Plaintiff on the basis of her gender and then unlawfully retaliating against Plaintiff for complaining of the discrimination;

B. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination and retaliation and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;

C. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to her reputation in an amount to be proven;

D. Awarding Plaintiff punitive damages;

E. Awarding Plaintiff attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of the action; and

F. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants' unlawful employment practices.

Dated: New York, New York
March 13, 2017

PHILLIPS & ASSOCIATES,
ATTORNEYS AT LAW, PLLC

By: ______________________

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